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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,323	05/30/2001	Janardhana Swamy	843161-356	1200

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EXAMINER

KOVALICK, VINCENT E

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,323

Applicant(s)

SWAMY, JANARDHANA

Examiner

Vincent E Kovalick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23,26-28,30-34 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23,26-28,30-34 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment dated April 12, 2004 in response to USPTO Office Action and Election of Species dated February 19, 2004.

a. The cancellation of claims 1-20; the election of Species 1 comprising claims 23, 26-28, 30-34 and 40; the amendments to claims 23, 26-27 and claim 40; and the withdrawal of claims 21-22, 24-25, 29 and 35-39 are herewith noted and entered in the record.

b. This application contains claim 21-22, 24-25, 29 and 35-39 drawn to an invention nonelected without traverse in the reply filed on April 12, 2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 26, 30 and 34 are rejected under 35 US.C. 102(e) as being clearly anticipated by Nacson (US 2002/0118173).

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Relative to claim 30, Nacson **teaches** a self powered cordless mouse for use a computer input device (paras. 0010 – 0021); Nacson further **teaches** a self-powered peripheral device, comprising: a ball; a wheel proximate said ball; a shaft coupled to said wheel; and a dynamo coupled to said shaft, said dynamo converting mechanical energy generated by rolling motion of said ball into electrical energy (paras. 0016- 0017, 0031-0032 and Fig. 2).

Relative to claim 26, Nacson further **teaches** wherein said self-powered peripheral device is a computer mouse and wherein said mouse is a cordless mouse (para. 0028 and Fig 1).

Regarding claim 34, Nacson **teaches** said self-powered peripheral device wherein said computer input signals are transmitted to said host computer via cordless means (para. 0030).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nacson as applied to claim 30 in item 3 hereinabove.

Relative to claims 23 and 40 Nacson further **teaches** the use of a voltage rectifier and energy storage means (para. 0032). It being understood that the function of a rectifier circuit is to convert alternating current into direct current, said rectifier coupled to a charging circuit (capacitor bank) for storing any unused power (para. 0023).

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The difference between the teachings of Nacson and that of the instant invention is that though Nacson teaches a self powered cordless mouse including a rectifier for converting AC to DC current and provides power storage means as taught in claims 23 and 40 of the instant invention, the language used to teach said functions differs from that of the instant invention.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the teachings of Nacson addresses the limitations of claim 23 and 40 of the instant invention, in that Nacson teaches a self-powered computer-pointing device including a housing and a roller ball accommodated within the housing, wherein the roller ball is coupled to a shaft, and the rotation of the ball is the energy source used to drive a 'dynamo' which in turn generates the power necessary to drive the sensing mechanism to generate x-y movement signals corresponding to the movement of the mouse and in turn transmit said movement signals to a host computer.

6. Claims 27, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nacson as applied to claim 30 in item 5 hereinabove, and further in view of Nicoud et al. (USP 6,476,375).

Regarding claims 27 and 31 , Nacson **does not teach** a mouse comprising a light source and wherein said wheel comprises a plurality of slots for allowing the light source to shine through said plurality of slots.

Nacson teaches a self-powered cordless mouse.

Nicoud et al. **teaches** a mouse for use as a pointing device comprising an optical sensor (col. 1, lines 52-67 and col. 2, lines 1-63); Nicoud et al. further **teaches** a mouse comprising a light

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source and wherein said wheel comprises a plurality of slots for allowing the light source to shine through said plurality of slots (col. 1, lines 12-30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Nacson the feature as taught by Nicoud et al. in order to provide a pointing device of reduced size or a pointing device with the capacity to include additional features because to the room made available through the use of a technology that requires less space to accommodate the position tracking feature (col. 1, lines 44-49, Nicoud et al.).

As to claim 33, Nicoud et al. further **teaches** a self powered peripheral device additionally comprising a light sensor and wherein said light sensor observes a pattern of light shining through said plurality of slots from said light source to generate a plurality of computer input signals for a host computer (col. 3, lines 62-67 and col. 4, lines 1-4).

7. Claims 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nacson in view of Nicoud et al. as applied to claims 27 and 31 respectively in item 6 hereinabove, and further in view of Lilja et al. (USP 5,764,224).

Relative to claims 28 and 32, Nacson in view of Nicoud et al. **does not teach** the said self powered peripheral device wherein said light source is electrically powered by a dynamo.

Nacson in view of Nicoud et al. teaches a self-powered cordless mouse comprising an optical sensor system for use as a computer pointing device.

Lilja et al. **teaches** a cordless mouse-stylus-pointer (col. 1, lines 54-67 and col. 2, lines 1-7);

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Lilja et al. further **teaches** the said self powered peripheral device wherein aid light source is electrically powered by a dynamo (col. 2, lines 52-53). It being understood that the power source as taught by Lilja et al. is by definition a dynamo.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Nacson in view of Nicoud et al. the feature as taught by Lilja et al. in order to provide the electrical energy required to power the cordless mouse.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6,400,356 Bidiville et al.

U. S. Patent No. 5,838,138 Henty

U. S. Patent No. 4,951,034 Mazzone et al.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E Kovalick whose telephone number is 703 306-3020. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vincent E. Kovalick
June 18, 2004



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
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